

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ITALIANA COKE, S.R.L.,

Plaintiff,

v.

UNITED COAL COMPANY, LLC,

Defendant.

08-CV-4725

Electronically Filed

**MOTION TO ADMIT COUNSEL  
PRO HAC VICE**

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Edmund M. O'Toole, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission pro hac vice of:

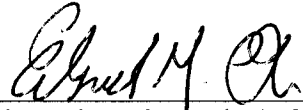
Brian L. Schwalb  
Venable LLP  
575 7th St., NW  
Washington, DC 20004  
Telephone: (202) 344-4356  
Fax: (202) 344-8300  
E-mail: blschwalb@venable.com

Brian L. Schwalb is a member in good standing of the Bars of the State of Maryland, Virginia and the District of Columbia. There are no pending disciplinary proceedings against Brian L. Schwalb in any State or Federal Court.

Dated: June 27, 2008  
New York, New York

Respectfully submitted,

By:

  
\_\_\_\_\_  
Edmund M. O'Toole (EO-7939)  
VENABLE LLP  
1270 Avenue of the Americas  
25th Floor  
New York, New York 10020  
Telephone: (212) 953-3388  
Fax: (212) 307-5598

*Attorneys for Defendant  
United Coal Company, LLC*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ITALIANA COKE, S.R.L.,	:	
	:	08-CV-4725 (JGK)
Plaintiff,	:	
	:	Electronically Filed
v.	:	
	:	<b>AFFIDAVIT OF EDMUND M.</b>
UNITED COAL COMPANY, LLC,	:	<b>O'TOOLE IN SUPPORT OF</b>
	:	<b>MOTION TO ADMIT COUNSEL</b>
	:	<b><u>PRO HAC VICE</u></b>
Defendant.	:	
	:	

State of New York                    )  
  )       ss:  
County of New York                )

Edmund M. O'Toole, being duly sworn, hereby deposes and says as follows:

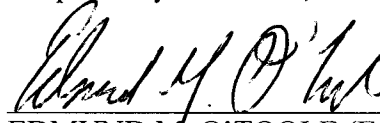
1. I am a partner in Venable LLP, counsel for United Coal Company, LLC ("United Coal") in the above-captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of my motion to admit Brian L. Schwalb as counsel pro hac vice to represent United Coal in this matter.
2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in 1992. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.
3. I have known Brian L. Schwalb since 2005.
4. Brian L. Schwalb is a partner in Venable LLP, in Washington, DC. His office is located at 575 7th St, NW, Washington, DC 20004

5. Certificates of good standing for Brian L. Schwalb are attached hereto as **Exhibit A**.
6. I have found Brian L. Schwalb to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Civil Procedure as well as the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York.
7. Accordingly, I am pleased to move for the admission of Brian L. Schwalb pro hac vice.
8. I respectfully submit a proposed order granting the admission of Brian L. Schwalb, pro hac vice, which is attached hereto as **Exhibit B**.

WHEREFORE it is respectfully requested that the motion to admit Brian L. Schwalb, pro hac vice, to represent Defendant United Coal Company, LLC in the above-captioned matter, be granted.

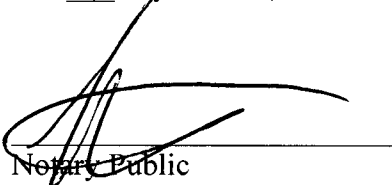
Dated: June 27, 2008  
New York, New York

Respectfully submitted,



EDMUND M. O'TOOLE (EO-7939)

Sworn to before me  
this 27<sup>th</sup> day of June, 2008

  
Notary Public

**State of New York Notary Public**  
**County of Queens**  
**Shaffin Abdul Datto**  
**02DA6123869**  
**My Commission Expires:**  
**03/14/09**



District of Columbia Court of Appeals  
Committee on Admissions  
500 Indiana Avenue, N.W. — Room 4200  
Washington, D. C. 20001  
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

BRIAN L. SCHWALB

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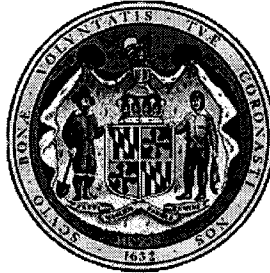
was on the 7<sup>TH</sup> day of DECEMBER, 1998  
duly qualified and admitted as an attorney and counselor and  
entitled to practice before this Court and is, on the date  
indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have  
hereunto subscribed my name  
and affixed the seal of this  
Court at the City of  
Washington, D.C., on June 6,  
2008.

GARLAND PINKSTON, JR., CLERK

By: M. Charles  
Deputy Clerk

**Court of Appeals  
of Maryland**  
Annapolis, MD



***CERTIFICATE OF GOOD STANDING***

*STATE OF MARYLAND, ss:*

*I, Bessie M. Decker, Clerk of the Court of Appeals of Maryland,  
do hereby certify that on the twenty-third day of June, 1993,*

**Brian Lawrence Schwalb**

*having first taken and subscribed the oath prescribed by the Constitution and  
Laws of this State, was admitted as an attorney of said Court, is now in good  
standing, and as such is entitled to practice law in any of the Courts of said  
State, subject to the Rules of Court.*

*In Testimony Whereof, I have hereunto  
set my hand as Clerk, and affixed the Seal  
of the Court of Appeals of Maryland, this  
fifth day of June, 2008.*

*Bessie M. Decker*

*Clerk of the Court of Appeals of Maryland*

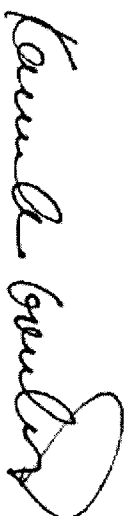


## VIRGINIA STATE BAR

### CERTIFICATE OF GOOD STANDING

*This is to certify that **BRIAN LAWRENCE SCHWALB** is an active member of the Virginia State Bar in good standing. **MR. SCHWALB** was licensed to practice law in Virginia on **OCTOBER 1, 1992**, after successfully passing the bar examination given by the Virginia Board of Bar Examiners.*

*Issued June 5, 2008*

  
Karen A. Gould  
Executive Director and  
Chief Operating Officer

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ITALIANA COKE, S.R.L.,	:	
	:	Electronically Filed
Plaintiff,	:	
	:	08-CV-4725 (JGK)
v.	:	
	:	
UNITED COAL COMPANY, LLC,	:	<b>ORDER FOR ADMISSION</b>
	:	<b>PRO HAC VICE</b>
Defendant.	:	<b><u>ON WRITTEN MOTION</u></b>
	:	

Upon the motion of Edmund M. O'Toole, attorney for Defendant United Coal Company, LLC,  
and said sponsor attorney's affidavit in support;

**IT IS HEREBY ORDERED** that:

Brian L. Schwalb  
Venable LLP  
575 7th St., NW  
Washington, DC 20004  
Telephone: (202) 344-4356  
Fax: (202) 344-8300  
E-mail: blschwalb@venable.com

is admitted to practice pro hac vice as counsel for Defendant United Coal Company, LLC in the  
above-captioned case in the United States District Court for the Southern District of New York.  
All attorneys appearing before this Court are subject to the Local Rules of this Court, including  
the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case  
Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov).  
Counsel shall forward the pro hac vice fee to the Clerk of the Court.

Dated: \_\_\_\_\_, 2008  
New York, New York

\_\_\_\_\_  
JOHN G. KOELTL, U.S.D.J.



**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ITALIANA COKE, S.R.L.,

Plaintiff,

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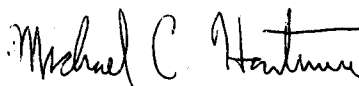
**CERTIFICATE OF SERVICE**

I, Michael Hartmere, hereby certify that on the 1st day of July, 2008, I caused a true and correct copy of the foregoing **Motion to Admit Counsel Pro Hac Vice** to be served via United States mail, postage prepaid, upon the following:

Joseph De Simone, Esq.  
Mayer Brown LLP  
1675 Broadway  
New York, New York 10019  
Telephone: (212) 606-2500

Leslie Elie Chebli, Esq.  
Mayer Brown LLP  
71 South Wacker Drive  
Chicago, IL 60603-4637  
Telephone: (212) 506-2500

*Attorneys for Plaintiff*



Michael C. Hartmere

Dated: New York, New York  
July 1, 2008